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APPLICATION NO. 09/1282893	FILING DATE 03/31/99	FIRST NAMED INVENTOR GROMER	ATTORNEY DOCKET NO. RP9-99-005
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WM02/1221

EXAMINER  
BANKS HAROLD, M

ART UNIT 2682	PAPER NUMBER 2
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DATE MAILED: 12/21/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

Regards,

M.D. Banks-Harold  
(703) 305-4379

# Office Action Summary

Application No.  
**09/282,893**

Applicant(s)  
**CROMER ET AL.**

Examiner  
**Marsha D. Banks-Harold**

Group Art Unit  
**2682**



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-17 is/are pending in the applicat

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-17 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because of the problems addressed in the attached PTO-948. Correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. *Claims 1, 5-7, 11, 13 and 15-17* are rejected under 35 U.S.C. 102(e) as being anticipated by D'Amico et al. (U.S. Patent Number 5,963,131), hereinafter referenced as D'Amico.

Regarding **claim 1**, D'AMICO discloses an anti-theft device with alarm screening. D'AMICO further discloses a method for providing protection against theft and loss of a portable computer system, the method comprising:

establishing boundary conditions within which the portable computer system is authorized for use, as exhibited in FIG. 2;

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tracking a position of the portable computer system with a GPS unit in the portable computer system, as disclosed at column 19, lines 49-52 and exhibited in FIG. 2;

comparing the position to the boundary conditions to identify whether the portable computer system has violated the boundary conditions, as exhibited in FIG. 2; and

performing anti-theft routines when the position has violated the boundary conditions, as exhibited in FIG. 2.

Regarding **claim 5**, D'Amico discloses everything claimed, as applied above (see **claim 1**), in addition, D'Amico discloses where the position information is regularly reported, as exhibited in FIG. 2.

Regarding **claim 6**, it is interpreted and thus rejected for the same reasons set forth above in the rejection of claim 1, where D'Amico further discloses where the transceiver is used to report a potential theft of the portable communication system, as exhibited in FIGS. 1-2.

Regarding **claim 7**, D'Amico discloses everything claimed, as applied above (see **claim 6**), in addition, D'Amico discloses where the preset boundary conditions correspond to a chosen distance, as exhibited in FIG. 2.

Regarding **claim 11**, it is interpreted and thus rejected for the same reasons set forth above in the rejection of claim 5.

Regarding **claim 13**, it is interpreted and thus rejected for the same reasons set forth above in the rejection of claim 1.

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Regarding **claim 15**, it is interpreted and thus rejected for the same reasons set forth above in the rejection of claim 14.

Regarding **claim 16**, it is interpreted and thus rejected for the same reasons set forth above in the rejection of claim 11.

Regarding **claim 17**, it is interpreted and thus rejected for the same reasons set forth above in the rejection of claim 7.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. ***Claims 2-4, 8-9 and 14*** are rejected under 35 U.S.C. 103(a) as being unpatentable over D'AMICO in view of Klein (U.S. Patent Number 5,936,526).

Regarding **claims 2 and 8-9**, D'Amico discloses everything claimed, as applied above (see **claim 1**), in addition, D'Amico provides support for using the cellular data telecommunications device for communicating with another device, as exhibited in FIG. 1. However, D'Amico fails to specifically disclose where the anti-theft routine comprised having the cellular transceiver call a

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predetermined telephone number. However, the examiner maintains that the concept of having a cellular transceiver call a preset telephone number for an anti-theft routine is well known in the art, as taught by Klein.

In a similar field of endeavor, Klein discloses an apparatus for generating an alarm in a portable computer system. Klein, further discloses where a GPS system is used for tracking a portable computer and where a cellular transceiver is used to call a preset telephone number such as home as part of a anti-theft routine, where the home number reads on the emergency number, as disclosed at column 5, lines 63-66.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify D'Amico by specifically providing for the calling of a preset number, as taught by Klein for the purpose of ensuring the owner of the portable communication device is alerted as to the location of the device.

Regarding **claims 3-4**, D'Amico discloses everything claimed, as applied above (see **claim 1**), however, Klein fails to specifically disclose or fairly suggest where a password was used as part of the anti-theft routine. However, the examiner maintains that the concept of using a password as part of an anti-theft routine is well known in the art, as taught by Klein.

Klein, further discloses where a code inputted by a system user is used to control the alarm conditions of the portable computer, as disclosed at column 6, lines 13-15.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify D'Amico by specifically providing for the use of the password, as taught by Klein, for the purpose of ensuring the proper person is using the system.

Regarding **claim 14**, it is interpreted and thus rejected for the same reasons set forth above in the rejection of claim 2.

4. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over D'AMICO in view of Klein further in view of Fleming et al. (U.S. Patent Number 6,052,782), hereinafter referenced as Fleming..

Regarding **claim 10**, D'Amico and Klein disclose everything claimed, as applied above (see **claim 9**), however, the D'Amico combination fails to specifically disclose where a facsimile protocol is used to convey the location information. However, the examiner maintains that the concept of conveying information via facsimile is well known in the art, as taught by Fleming.

In a similar field of endeavor, Fleming discloses a method for locating a stolen electronic device using electronic mail. Fleming further discloses where information is transmitted via facsimile, as disclosed at column 1, lines 29-32.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the D'Amico combination by specifically providing for the use of facsimile to transmit information for the purpose of taking advantage of the benefits associated with data transmission.

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5. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over D'AMICO in view of well known prior art (MPEP 2144.03).

Regarding **claim 12**, D'Amico discloses everything claimed, as applied above (see **claim 6**), however, D'Amico fails to specifically disclose where the GPS information is reported during boot up. However, the examiner takes official notice of the fact that it is well known to utilize GPS systems during various operating conditions of a electronic device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify D'Amico by specifically providing for the provision of GPS signals during various operating conditions for the purpose of ensuring accurate location of the electronic device.



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*Conclusion*

6. Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 305-9051, (for formal communications intended for entry)

Or:

(703) 305-9508 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 11, 2021 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marsha D. Banks-Harold whose telephone number is (703) 305-4379. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chang, can be reached on (703) 308-6739. The fax phone number for this Group is (703) 305-9508.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

MDB-H/mdB-h  
December 12, 2000

  
**MARSHA BANKS-HAROLD**  
**PATENT EXAMINER**